



#1 OAC/B
MS Petitions
Attorney Docket 90205

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

RECEIVED

PETROVIC

APR 14 2004

Serial No.: 09/580,504

Group Art Unit: 2817

OFFICE OF PETITIONS

Filing Date: May 25, 2000

Examiner: Unknown

Title: **METHOD AND APPARATUS FOR ACHIEVING BROADBAND MATCHING OF
NARROW-BAND RESONATOR FILTER IMPEDANCES TO LOADS AND
SOURCES**

Commissioner of Patents
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.137(b)

This is a Petition to Revive the above-captioned application under 37 CFR 1.137(b) as an unintentional abandonment. Applicant submits herewith the required petition fee under 37 CFR 1.17(1).

A Notice of Abandonment was mailed in the present application on October 23, 2003 for failure to respond to a Notice of Incomplete Reply which was mailed July 31, 2002. The Notice of Incomplete Reply required submission of a surcharge of \$65.00 for late filing of the Inventor's oath/declaration.

On March 14, 2002, the USPTO mailed to the firm of Skjerven Morrill Macpherson LLP a Notice to File Missing Parts which indicated that an executed oath/declaration was missing, and that the filing fee and surcharge for late filing of the declaration was required. A two-month period was set for responding to the Notice.

On July 8, 2002, in response to the Notice to File Missing

Parts, Applicant submitted: an executed oath/declaration, an assertion of small entity status, the required late fee of \$65.00 for late filing of the oath/declaration, a small entity utility filing fee of \$345.00, and a request for a two-month extension of time with an extension fee of \$200.00. The U.S. PTO received the above on July 22, 2002.

Applicant respectfully calls to the Petitioner's Examiner's attention that the executed oath/declaration (Exhibit A) sets forth Applicant's former representative's then correspondence address as 3311 Spotted Horse Trail, Austin, Texas.

On July 31, 2002, the U.S. PTO mailed to Skjerven Morrill Macpherson LLP in San Jose, California a Notice of Incomplete Reply (Exhibit B), which asserted that the small entity surcharge had not been paid. Thereafter, the U.S. PTO mailed to Skjerven Morrill Macpherson LLP a Notice of Abandonment on October 23, 2003 (Exhibit C).

Applicant respectfully traverses the Notice of Abandonment on the grounds that the Notice of Incomplete Reply (Exhibit B) was mailed to an address different from Applicant's formerly designated correspondence address as set forth on the executed oath/declaration (Exhibit A). Applicant respectfully submits that Applicant never received said notice. Applicant therefore requests that since the Notice of Incomplete Reply (Exhibit B) was not

mailed to Applicant's then designated correspondence address as set forth on the executed oath/declaration (Exhibit A) that the period of time for responding to said Notice be reset.

By this Petition, Applicant acknowledges that the full amount of fees paid in the submission of missing parts was deficient and Applicant hereby authorizes the U.S.PTO to charge any such fee deficiency to Deposit Account No. 14-0112.

Applicant further respectfully submits that not only was the entire delay in responding to the Notice Incomplete Reply until the filing of this Petition unintentional and that no terminal disclaimer is required, but Applicant further submits that the entire delay was due to the USPTO mailing the Notice of Incomplete Reply to an address other than Applicant's then designated correspondence address. Accordingly, Applicant further requests that in view of the fact that the Notice of Incomplete Reply was mailed to an address other than Applicant's then designated correspondence address, that the petition fee paid herewith be refunded to Applicant.

Please charge any fee deficiency, or credit any overpayment, in connection with this matter to Deposit Account No. 14-0112.

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: April 12, 2004
NATH & ASSOCIATES PLLC
1030 15th Street N.W.,
6th Floor
Washington, D.C. 20005
(202) 775-8383

By:



Gary M. Nath
Registration No. 26,965
Marvin C. Berkowitz
Registration No. 47,421
Derek Richmond
Registration No. 45,771

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

☐ Declaration Submitted with Initial Filing
OR
☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	0004-0016
First Named Inventor	Branislav Petrovic
COMPLETE IF KNOWN	
Application Number	09/580,504
Filing Date	05/25/2000
Art Unit	2817
Examiner Name	Unassigned

OFFICE OF PETITIONS

As the below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND APPARATUS FOR ACHIEVING BROADBAND MATCHING OF
NARROW-BAND RESONATOR FILTER IMPEDANCES TO LOADS AND STORES

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 05/25/2000 as United States Application Number or PCT International

Application Number 09/580,504 and was amended on (MM/DD/YYYY) (if applicable):

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

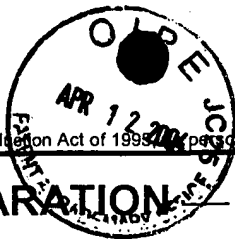
Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

EXHIBIT A



The Paperwork Reduction Act of 1995 requires that persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION - Utility or Design Patent Application

Direct all correspondence to: ☐Customer Number
or Bar Code LabelOR ☒

Correspondence address below

Robert C. Strawbrich

Name

3311 Spotted Horse Trail

Address

Austin

City

TX

State

78748

ZIP

U.S.A.
Country512-233-6522
Telephone512-292-4120
Fax

I declare that all statements made herein of my own knowledge are true and that all statements made on information supplied by others are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR :



A petition has been filed for this unsigned inventor

Given Name Branislav
(first and middle [if any])Family Name Petrovic
or SurnameInventor's
Signature*B. Petrovic*

Date

7/03/02

La Jolla

Residence: City

CA

State

USA

Country

Canada

Citizenship

Mailing Address

5936 LA JOLLA HERMOSA AVENUE

La Jolla

City

CA

State

92037

ZIP

USA

Country

NAME OF SECOND INVENTOR:



A petition has been filed for this unsigned inventor

Given Name
(first and middle [if any])Family Name
or SurnameInventor's
Signature

Date

Residence: City

State

Country

Citizenship

Mailing Address

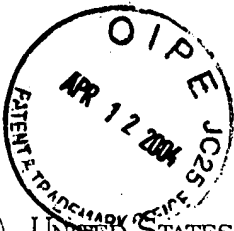
City

State

ZIP

Country

☐ Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/580,504	05/25/2000	Branislav Petrovic	GHM-9519 US

24251
SKJERVEN MORRILL LLP
25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110

CONFIRMATION NO. 9366

FORMALITIES LETTER



OC000000008548077

Date Mailed: 07/31/2002

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 07/22/2002 to the Notice to File Missing Parts (Notice) mailed 03/14/2002 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 was not received.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

A copy of this notice MUST be returned with the reply.

AG

Customer Service Center
Initial Patent Examination Division (703) 308-1202

EXHIBIT B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/580,504	05/25/2000	Branislav Petrovic	GHM-9519 US

CONFIRMATION NO. 9366

ABANDONMENT/TERMINATION
LETTER



OC000000011081996

24251
SKJERVEN MORRILL LLP
25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110



Date Mailed: 10/23/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 03/14/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

EXHIBIT C